

## **230 CMR 14.00: FACILITIES, EQUIPMENT, CURRICULUM, INSTRUCTORS, AND STAFF**

### Section

- 14.01: Facilities
- 14.02: Equipment
- 14.03: Curriculum
- 14.04: Instructors
- 14.05: Staff
- 14.06: Limitation of Approvals

### **14.01: Facilities**

- (1) Pursuant to M.G.L. c. 112, § 263(e), at the time of license application and renewal, all building facilities available or to be available for instruction shall be approved by the division.
- (2) A ~~school~~School's premises shall comply with all applicable building and fire codes.
- (3) A ~~school~~School shall not conduct classes in any building facility unless it has obtained the inspection reports required by 230 CMR 13.02(1)(f) and (g) ~~and the building facility has been approved by the division~~.
- (4) A ~~school~~School may not operate in any location other than at locations reflected on its license.

### **14.02: Equipment**

- (1) Pursuant to M.G.L. c. 112, § 263(e), at the time of application and renewal, all ~~equipment~~Equipment available or to be available for instruction shall be approved by the division.
- (2) A ~~school~~School shall maintain a list of all books, supplies, material, ~~equipment~~Equipment and tools used for instructional purposes. The list shall be made available for inspection upon request by the division.
- (3) A ~~school~~School shall provide ~~equipment~~Equipment, tools, and supplies consistent with ~~modern occupational~~generally accepted standards, in a variety sufficient to allow instruction in all ~~modern current~~ methods and in quantities sufficient to enable each student to work effectively and continuously towards the desired skill level. The ~~equipment~~Equipment shall comply with all applicable safety standards. The ~~school~~School shall provide adequate space for the use of any Equipment on its premises and establish procedures sufficient to ensure the ~~students'~~of students safety.

### **14.03: Curriculum**

- (1) Pursuant to M.G.L. c. 112, § 263(b), (e), all ~~curriculum~~Curriculum shall be approved by the division.
- (2) Each ~~school~~School shall submit ~~curriculum~~Curriculum for approval by describing each proposed ~~program~~Program to the division, including the following information:
  - (a) a brief description of each ~~course~~Course;
  - (b) a total number of ~~instructional hour~~Instructional Hours in each ~~program~~Program and ~~course~~Course;
  - (c) the tuition charged for each ~~program~~Program ~~and course~~;
  - (d) the minimum entrance requirements;
  - (e) a description of the ~~clinical~~ off-campus training experiences and the number of ~~clinical~~ off-campus training hours required in each ~~program~~Program and ~~course~~Course;
  - (f) a list of occupations for which each ~~program~~Program will prepare students; and
  - (g) the estimated number of students anticipated to be enrolled in each ~~course~~Program.
- (3) A ~~school~~School shall notify the division regarding any addition, modification or elimination of any ~~program~~Program or ~~course~~Course at least 30 days prior to making the addition, modification, or elimination. No addition, modification or elimination of any program or course shall occur unless the division approves the requested changes.
- (4) ~~Curriculum~~Curriculum that requires the approval of another state or federal authority must be so approved as a condition precedent to division approval.
- (5) Division approvals for ~~curriculums~~Curriculum are not permanent and shall be subject to reevaluation as determined by the division and to expiration when the ~~school~~School's license expires or is renewed.
- (6) A ~~school~~School shall submit course catalogues and any addendums to the division ~~for approval~~upon application for licensure and license renewal and, if amended, prior to distribution to current and prospective students.

#### **14.04: Instructors**

- (1) Pursuant to M.G.L. c. 112, § 263(b), (e), all ~~instructor~~Instructors shall be approved by the division

- (2) Pursuant to M.G.L. c. 112, § 263(b), the approval process for instructors shall include division review of criminal offender record information.
- (3) A School shall employ Instructors ~~must be~~ sufficient in number to provide appropriate instruction and attention to the work of that meets or exceeds minimum standards applicable in the field of instruction students of the institution.
- (34) Prior to hiring an ~~instructor~~Instructor, a ~~school~~School shall conduct due diligence to ensure in good faith that the ~~instructor~~Instructor is qualified in accordance with 230 CMR 14.04, ~~and shall conduct a criminal offender record information check.~~
- (45) Except as provided in 230 CMR 14.04(89), prior to allowing an ~~instructor~~Instructor to teach a class, a ~~school~~School shall, on a form supplied by the division, certify that an ~~instructor~~Instructor is qualified and meets any ~~program~~Program-specific qualifications as determined by the division, and receive division approval for said ~~instructor~~Instructor.
- (56) An ~~instructor~~Instructor of a ~~course~~Course meant to prepare an individual for an occupation that requires its practitioners to be licensed shall be so licensed unless the ~~instructor~~Instructor is otherwise qualified and the School receives a waiver to that effect from the division, or the Instructor is teaching only general content ~~course~~Courses. An ~~instructor~~Instructor who loses his or her license by expiration or by disciplinary action whose license is expired, suspended, or revoked shall notify the ~~school~~School immediately, and the ~~school~~School shall notify the division immediately. The ~~instructor~~Instructor may not provide further instruction until the license is reinstated.
- (67) An ~~instructor~~Instructor of an occupation that requires its practitioners to be approved by another state or federal authority must be so approved. An ~~instructor~~Instructor who loses such approval shall notify the ~~school~~School immediately, and the ~~school~~School shall notify the division immediately. The ~~instructor~~Instructor may not provide further instruction until the approval is reinstated.
- (78) Division approvals for ~~instructor~~Instructors are not permanent and shall be subject to reevaluation as determined by the division and to expiration when the ~~school~~School's license expires or is renewed.
- (89) Schools may utilize unapproved ~~instructor~~Instructors as substitute ~~instructor~~Instructors for up to ~~fifteen-15~~ schoolSchool days without division approval subject to the following provisions:
- (a) The occasion for the substitution must be a sudden, unforeseen circumstance, such as an illness or sudden vacancy.
- (b) After a substitute ~~instructor~~Instructor has taught for ~~fifteen-15~~ schoolSchool days, he or she may not teach any further classes at that ~~school~~School within a three-month period without division approval.

- (c) A substitute ~~instructor~~Instructor must be designated on all ~~school~~School records as a substitute ~~instructor~~Instructor, not a principal ~~instructor~~Instructor. Schools must maintain separate records of the use of substitute ~~instructor~~Instructors. These records must document the reason that a substitute was used, the classes taught, and the name and credentials of the substitute ~~instructor~~Instructor. These records must be maintained with other ~~school~~School records under 230 CMR 15.03.
- (d) Notwithstanding the other provisions of ~~this subsection~~ 14.04(89), the division may prohibit or limit the use of substitute ~~instructor~~Instructors if such use would cause any ~~instructional hour~~Instructional Hours earned by attending students to be unusable toward licensure or certification in an occupational field.
- (e) Whenever a class is taught by a substitute ~~instructor~~Instructor, the ~~school~~School shall notify the students in the class as to the ~~school~~School policy on substitute ~~instructor~~Instructors, and as to how the students may submit a complaint to the ~~school~~School and to the division. If a written notice is provided, a copy of the written notice shall be maintained with other ~~school~~School records under 230 CMR 15.03.
- (f) The use of substitute ~~instructor~~Instructors in a single ~~course~~Course may not exceed ~~twenty~~ 20 percent of the overall ~~course~~Course meetings.
- (g) A ~~school~~School may petition the division for relief from 230 CMR 14.04.

#### **14.05: Staff**

- (1) Pursuant to M.G.L. c. 112, § 263(b), all ~~staff~~Staff shall be approved by the division.
- ~~(2) For purposes of 230 CMR 14.05, the term staff shall be defined to include all employees other than instructors of a school.~~
- ~~(32)~~ Pursuant to M.G.L. c. 112, § 263(b), the approval process for staff shall include division review of criminal offender record information.
- ~~(3)~~ Prior to hiring a staff Staff member, a school School shall conduct due diligence to ensure in good faith that the staff Staff member is qualified, and shall conduct a criminal offender record information check.
- ~~(4) A staff person shall meet qualifications as determined by the division~~ A School shall certify that the Staff member is qualified on a form supplied by the division and receive division approval for said Staff member.

#### **14.06: Limitation of Approvals**

- (1) Any approvals granted by the division may be rescinded by the division for cause, including but not limited to, the grounds for disciplining a licensee pursuant to M.G.L. c. 112, § 263(i).
- (2) No approvals granted by the division shall be deemed permanent. All approvals shall be deemed expired at the time a ~~school~~School's license expires or is renewed. Further, approvals may be rescinded at any time if they are determined to have been expired or superseded by any new laws, ~~policies, or~~ regulations, or policies.
- (3) Any approvals granted by the division may be subject to such reasonable conditions as the division determines are appropriate to protect the public health, safety, or welfare. Such conditions may include, but not be limited to, restrictions on the duration in which an approval is granted, additional reporting to the division, and/or other restrictions on the time, place, or manner in which instruction is given. Adherence to any such conditions may be considered a requirement for retention, future consideration, or reinstatement of licensure.
- (4) The denial of an approval and/or the placement of conditions on an approval shall be subject to reconsideration pursuant to procedures published under M.G.L. c. 112, § 263(b).

Regulatory Authority:  
M.G.L. c. 112, § 263.